

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Charles M. Dominick,)	C/A No. 5:13-cv-02636-JFA-KDW
)	
)	
Petitioner,)	
)	REPORT AND RECOMMENDATION
v.)	
)	
)	
Leroy Cartledge, Warden,)	
)	
Respondent.)	
)	
)	
)	

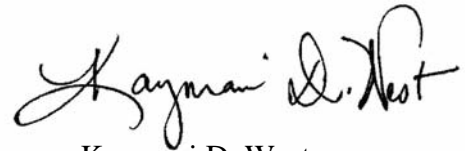
Petitioner, proceeding pro se and *in forma pauperis*, brought this action seeking habeas corpus relief under 28 U.S.C. § 2254. Respondent filed a Motion for Summary Judgment on January 22, 2014. ECF No. 33. As Petitioner is proceeding pro se, the court entered an order on January 23, 2014, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising Petitioner of the importance of a motion for summary judgment and of the need for him to file an adequate response. ECF No. 36. Petitioner was informed that his response was due by February 27, 2014, and was specifically advised that if he failed to respond adequately, Respondent's motion may be granted, thereby ending his case.

On March 27, 2014, the court ordered Petitioner to advise, by April 14, 2014, whether he wished to continue with his case. ECF No. 49. Petitioner has filed no response. As such, it appears to the court that he does not oppose the motion and wishes to abandon this action. Based on the foregoing, the undersigned recommends this action be dismissed with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ.

P. 41(b). If this recommendation is adopted, Defendant's Motion to Strike, ECF No. 35, will be moot.

IT IS SO RECOMMENDED.

April 22, 2014
Florence, South Carolina

A handwritten signature in black ink, reading "Kaymani D. West". The signature is fluid and cursive, with the first name "Kaymani" being more prominent than the last name "West".

Kaymani D. West
United States Magistrate Judge

**The parties are directed to note the important information in the attached
“Notice of Right to File Objections to Report and Recommendation.”**